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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91178927
Party	Plaintiff Royal Crown Company, Inc.
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Submission	Motion to Suspend for Settlement Discussions
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Signature	/Laura Popp-Rosenberg/
Date	03/10/2011
Attachments	Motion for Suspension for Settlement (March) (F0764301).PDF ( 6 pages ) (16522 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

-----X	:	
ROYAL CROWN COMPANY, INC.,	:	<b><u>Consolidated Proceedings</u></b>
	:	Opposition No. 91178927
Opposer,	:	Opposition No. 91180771
	:	Opposition No. 91180772
- against -	:	Opposition No. 91183482
	:	Opposition No. 91185755
THE COCA-COLA COMPANY,	:	Opposition No. 91186579
	:	Opposition No. 91189847
Applicant.	:	Opposition No. 91190658
-----X		

— and —

-----X	:	
THE COCA-COLA COMPANY,	:	
	:	
Applicant,	:	
	:	
- against -	:	Opposition No. 91184434
	:	
ROYAL CROWN COMPANY, INC.,	:	
	:	
Opposer.	:	
-----X		

**MOTION FOR SUSPENSION FOR SETTLEMENT WITH CONSENT**

Counsel for The Coca-Cola Company (“TCCC”) and counsel for Royal Crown Company, Inc. (“Royal Crown”) hereby submit this Motion for Suspension for Settlement With Consent, and seek an additional 90-day suspension of the proceedings.

The parties provide the following report in accordance with the Board’s April 15, 2010, June 1, 2010, August 9, 2010, September 15, 2010 and January 20, 2011 orders:

This is the third time the parties have requested suspension of these consolidated proceedings for purposes of settlement negotiations, the first request for suspension having

been made in October 2010 and the second request for suspension having been made in January 2011. Prior to October 2010, the parties' requests for extensions of the trial dates were made solely to accommodate certain outstanding discovery matters and to enable the parties to prepare for trial.

During the past two months, the parties have continued to be actively engaged in ongoing substantive negotiations directly through in-house counsel to determine whether an amicable resolution can be achieved that would resolve these proceedings. More particularly, in-house counsel for the parties have had multiple substantive telephone conferences and e-mail exchanges regarding settlement since early September, and have addressed a number of different possible approaches to settlement. The settlement discussions have reached a point where further business input is needed, and TCCC's counsel is in the process of gathering the necessary input from various business constituents so that TCCC may respond to Royal Crown's most recent settlement proposal. The parties expect to communicate about settlement again in the near future. Thus, the parties' discussions are substantive, detailed and ongoing.

The parties therefore request a further 90-day suspension of the proceedings. The parties hope that a continuance of the suspension will enable the parties to make a determination of whether settlement is possible or, if the parties determine that settlement is not possible, will enable the parties to complete discovery and final preparation for trial. TCCC has agreed to produce all outstanding documents before the conclusion of the suspension period in the event that the parties conclude that settlement is not possible.

For the reasons stated above, the parties believe that good cause exists for the requested suspension.

Accordingly, the parties stipulate to and respectfully request the Board to approve and enter the following schedule:

	Deadline under January 20 Order	New Deadline
Suspension ends and proceedings resume	March 13, 2011	June 11, 2011
Plaintiff's pretrial disclosures due in Opposition Nos. 91178927, 91180771, 91180772, 91183482, 91185755, 91186579, 91189847 and 91190658	March 21, 2011	June 19, 2011
Plaintiff's 30-day testimony period closes in Opposition Nos. 91178927, 91180771, 91180772, 91183482, 91185755, 91186579, 91189847 and 91190658	May 5, 2011	August 3, 2011
Defendant's pretrial disclosures due in Opposition Nos. 91178927, 91180771, 91180772, 91183482, 91185755, 91186579, 91189847 and 91190658 and plaintiff's pretrial disclosures due in Opposition No. 91184434	May 20, 2011	August 18, 2011
Defendant's testimony period closes in Opposition Nos. 91178927, 91180771, 91180772, 91183482, 91185755, 91186579, 91189847 and 91190658 and plaintiff's testimony period closes in Opposition No. 91184434	July 4, 2011	October 2, 2011
Plaintiff's rebuttal disclosures due in Opposition Nos. 91178927, 91180771, 91180772, 91183482, 91185755, 91186579, 91189847 and 91190658 and defendant's pretrial disclosures due in Opposition No. 91184434	July 19, 2011	October 17, 2011
Defendant's 30-day testimony period closes in Opposition No. 91184434 and Plaintiff's 15-day rebuttal period closes in Opposition Nos. 91178927, 91180771, 91180772, 91183482, 91185755, 91186579, 91189847 and 91190658	September 2, 2011	December 1, 2011
Plaintiff's rebuttal disclosures due in Opposition No. 91184434	September 17, 2011	December 16, 2011

	Deadline under January 20 Order	New Deadline
Plaintiff's 15-day rebuttal testimony period closes in Opposition No. 91184434	October 17, 2011	January 15, 2011
Plaintiff's brief due in Opposition Nos. 91178927, 91180771, 91180772, 91183482, 91185755, 91186579, 91189847 and 91190658	December 16, 2011	March 15, 2011
Defendant's brief due in Opposition Nos. 91178927, 91180771, 91180772, 91183482, 91185755, 91186579, 91189847 and 91190658 and plaintiff's brief due in Opposition No. 91184434	January 15, 2012	April 14, 2012
Plaintiff's reply brief due in Opposition Nos. 91178927, 91180771, 91180772, 91183482, 91185755, 91186579, 91189847 and 91190658 and defendant's brief due in Opposition No. 91184434	February 14, 2012	May 14, 2012
Plaintiff's reply brief due in Opposition No. 91184434	February 29, 2012	May 29, 2012

Respectfully submitted,

Dated: March 10, 2011

FROSS ZELNICK LEHRMAN & ZISSU, P.C.

By: /Laura Popp-Rosenberg/  
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*Attorneys for Royal Crown Company, Inc.*

Dated: March 10, 2011

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*Attorneys for The Coca-Cola Company*

## **CERTIFICATE OF SERVICE**

I hereby certify that I have caused a true and correct copy of the foregoing **Motion for Suspension for Settlement With Consented** to be sent by email to counsel for Applicant, Bruce Baber, Esq., at bbaber@kslaw.com, with said counsel's consent, this 10<sup>th</sup> day of March, 2011.

/Laura Popp-Rosenberg/

Laura Popp-Rosenberg